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BRIGHT FLOWERS IN PROFUSION.

Artistic Booths Presided Over by
Charming Helpers—Pretty Children
in Rainbow Costumes—Hawaiian
Band in Attendance—Event a Go.

The Gleaners are all wearing very happy countenances at present, for their lawn party at Haalelea Lawn Saturday afternoon, an event for which they worked with the energy that has characterized all their former efforts at gathering funds for Christian work, was a success beyond the hopes of the most sanguine.

As soon as the gates were opened at 2 p. m., people began to arrive, and at 3 o'clock the grounds were comfortably filled. Without counting those who had charge and assisted at the various tables, there were 320 people present.

The work of the Gleaners in putting up attractive booths and beautifying the grounds in various ways showed to good advantage and brought forth frequent expressions of merited praise.

The Hawaiian Band, stationed just to the right of the entrance, played delightful selections during the afternoon, which had the effect of putting every one in a very happy mood, especially when "Company D Minstrels" was played.

To the left and near one of the large trees on the lawn was the lemonade stand, calculated to entice the thirsty visitor. Miss Ellen Hopper and Miss Derby were in charge.

Next to this was the children's table, presided over by Miss Harriet Lewers, who was assisted by Miss Campbell, Miss Hartwell, Mrs. Bedford and Jennie Angus. The booth was decorated with white muslin and branches of the pepper tree. Here were the festive Brownies peeping forth in many decorations, the irresistible top, the colored toys of various kinds and all little articles calculated to bring joy to the hearts of children.

Standing next to this, out in the center of the lawn, was the flower booth, by right and by common consent the prettiest on the grounds. Bulrushes for the lower part and coconut leaves for the top, and all this bound about a frame of algaroba branches, gave to the booth the decided appearance of rusticity. Here and there in places calculated to present the most artistic appearance, were placed bunches of lilies, white and purple asters or other beautiful flowers, while intertwined among the coconut leaves and hanging gracefully from various points were sprays of vines. A long table at the mauka side of the booth was simply laden with malle, ilima and other kinds of leis, together with bunches of various flowers. To the right was a smaller table entirely given up to button-hole bouquets. Miss Sadie Carter, Pauahi Judd, Mary Carter and Clara Fuller were kindly assisted by Messrs. Wm. Levers, Armstrong Smith, B. Marx and Ensign H. Hough of the U. S. S. Adams, who did much of the decorating.

Opposite the flower booth, on the other side of the driveway, was the refreshment tent, an indispensable part of the lawn party. Mrs. Kleugel, Mrs. Richards, Mrs. Thurston and Miss Sexton were assisted by a number of girls, who waited most gracefully on the ice-cream-an- cake-seeking part of the visitors.

On the mauka part of the grounds and nearest the stone wall was a table prettily arranged under a bread-fruit tree and laden with candy in little paper boxes. All the sweetmeats disappeared long before the end of the party. Mrs. T. W. Hobron, Mrs. A. E. Nichols, Misses Paty and Smith were the ladies who had charge of this table.

Next came the paper booth, with Mrs. H. H. Williams, Misses Girvin, Hustace, Kelley and Alexander in charge. This place was one of the main attractions of the afternoon on account of the fine work in paper that has lately become such an industry.

The tea garden under the palms was presided over by Mrs. Jordan, Mrs. Chapin, Misses Ada Whitney, Ethel Rice and Edith Bond. Many a cup of the delightful beverage was taken in this pretty little spot.

The fancy table, just mauka of the house, was covered with Hawaiian and American flags artistically draped.

Mrs. Ned Jones and Miss Agnes Judd attended to the wants of people here, and succeeded in taking in the largest sum of money of any table on the grounds.

Misses Gilman and Forbes attended the gate.
The reception committee was composed of Mrs. Parmelee, Mrs. N. Damon, Miss Judd, Misses Belle Carter and Annie Forbes, and the executive committee of Miss Bolles and Miss Rhoda Green.

The main feature of the afternoon was the "Floral Rainbow," in charge of Misses Snow, Sorenson and Gilman. It was given twice during the afternoon.

But few of the people present had any idea of what the entertainment was to be, and were consequently agreeably surprised when they saw four little girls dressed in red come marching out of the front door of the house. They took their stand before the mound situated in front of the house and recited a verse on the roses, finishing by singing a little song on the same subject, and walking up on the mound, the tallest girl at the top and ranging on down to the smallest one at the foot. Next came four girls in orange and representing tulips, and following these, groups of four in yellow, green, blue, indigo and violet, representing dandelions, snowballs, corn-flowers, morning-glories and violets respectively. Each group recited a verse, sang a song and ascended the mound. Then came a song in concert, closing with the sudden display of colors in paper corresponding with the various dresses and forming a very pretty rainbow. Edwin Hall and Morris Damon played on their violins to furnish the requisite key for the children.

Following were the amounts taken in at the various tables and booths: Gate, \$75.50; lemonade, \$8.00; children's booth, \$48.65; flower booth, \$35.00; refreshment tables, \$81.20; candy, \$41.50; paper, \$62.00; fancy table, \$113.35; tea garden, \$20.25. Total, \$485.45. Expenses should not amount to much more than \$60.00, leaving the Gleaners the neat little sum of \$425.00 as a reward for their labor.

C. G. H. TO MARCH.

Will Decorate With Flowers, the Grave of C. L. Carter.

Captains of Various Companies to Represent the Organization in the Decoration Day Procession.

Information was received Friday that should the Citizen's Guard of Hawaii desire to take part in the Decoration Day procession, a place would be assigned them in the line.

In accordance with this, a meeting of the Board of Officers was called for Saturday night. Seven companies were represented.

The object of the meeting was stated, and Captain Lowrey of Company 2 made a motion to the effect that the Citizen's Guard take part in the procession for the purpose of decorating the grave of C. L. Carter, a staunch member of the organization. Carried.

Captain Ripley of Company 3 moved that a detail of two men from each company be directed to go into the procession to take charge of the floral decorations. Captain Hoogs, Quartermaster, amended this motion to the effect that the captains of each company be the delegates to march in the procession. Carried as amended.

It was moved and carried that the Mounted Reserve act as an escort to the delegation of officers.

The officers, with the Mounted Reserve escort and F. B. McStockler as captain commanding the C. G. H., will march in the procession, carrying their floral offerings to the grave of C. L. Carter.

Death of Mrs. Chase.

Mrs. Gertrude Wolff Chase, wife of C. D. Chase, a native of Wurttemberg, Germany, died at 8:30 yesterday morning of peritonitis and will be buried at 3 p. m. today, under the direction of E. A. Williams.

Mrs. Chase was well known here and during the monarchy resided with Liliuokalani at her Washington Place residence. She married Mr. Chase about two years ago.

Hack Inspector Sam Macy has returned from his vacation on Hawaii and will again assume charge of his regular duties today.

JUDGE CARTER'S FULL DECISION.

In Case of E. M. Magoon et al. and Julia C. Afong.

REVIEW OF THE TRUST DEEDS.

Possible Causes for Removal of Trustee. Children Not Necessarily Entitled to Surplus of Income After Expenses of Support Are Paid—Demurrers.

Considerable discussion having arisen as to the decision of Judge Carter in the case of Emmeline M. Magoon et al. vs. Julia C. Afong, the full text of the decision is given, as follows:

DECISION.

This is a bill in equity for and accounting and appointment of a trustee under two certain deeds of trust. The first deed was executed on the 17th day of October, 1889, between Chun Afong, Julia Afong and J. A. Magoon. On the 30th day of July, 1890, a second deed designated supplementary to the above was entered into by Chun Afong, Julia Afong and W. F. Allen. Mr. Magoon resigned as trustee and Mr. Allen having been appointed in his place.

The material parts of the trust deeds are as follows:

Whereas, upon the sale by the party of the first part of the Pepeekeo Sugar Plantation, so called, situate in the District of Hilo, on the Island of Hawaii, in said Kingdom, said party of the second part released her dower right thereupon the promise of the purchaser that with the assent and by the request and direction of the party of the first part, the sum of Two Hundred Thousand Dollars, part of the purchase money, should be invested in Two Hundred shares of the par value of One Hundred Dollars each of the capital stock of the Pepeekeo Sugar Company, a Hawaiian Corporation, and such investment has been made in the name of John Alfred Magoon, and transferred by him to his successor in trust, William F. Allen, to be held by him and his successors upon the trusts and subject to the powers and provisions hereinafter declared concerning the same:

Now this indenture witnesseth: That the said Chun Afong, in consideration of the premises and of his natural love and affection for his said wife and her children by him begotten, and in further consideration of the covenants of the party of the third part hereinafter contained, doth hereby assent, request, direct and declare, and it is hereby agreed as follows:

The Trustee shall stand possessed of said stock and investment for the time being representing same, hereinafter called "trust funds" in trust to pay the income thereof to the said Chun Afong as long as he shall not become or be a bankrupt or insolvent, and shall reside in the said Hawaiian Islands, and shall suitably maintain, support and provide for the said Julia Afong during her life time and her children by him begotten. After the decease of the said Chun Afong, as well as when he shall be absent from the Hawaiian Islands, and during his said absence or bankruptcy or insolvency or failure suitably to maintain, support or provide for the said Julia Afong or any of her children by him begotten, the trustee shall pay the income of the trust funds to said Julia Afong, if living, for the support of herself and her said children.

The amended bill alleges that a larger amount had passed into the hands of Julia Afong than was necessary or suitable for the support and maintenance of said Julia Afong and the children domiciled with her, and that she had thereby been able to save out of the income a large sum of money, to-wit, \$30,000.00; that this was only possible by reason of the failure of Julia Afong to apportion and give to the married daughters the income and support to which they are entitled under the trust deeds; that Maria K. Humphreys and A. S. Humphreys, her husband, through their personal influence had obtained, in fraud of the rights of the petitioners, a gift from the said Julia Afong of a large block of property comprising and representing the accumulations from the income of the trust es-

tate; that Julia Afong threatens to make away with and dispose of the accumulations of the income, and that there is imminent danger of such disposition to the utter exclusion of petitioners, thereby causing irreparable damage to them; that Julia Afong has surrendered her directions under the trust deeds to Maria K. Humphreys and A. S. Humphreys, her husband, through their influence; that Julia Afong is alienated from her children, the complainants, and is now acting with avowed hostility, dislike, animus and bias against them.

The bill prays that respondents be ordered to account for all sums or property received by them which now or at any time has formed part of the income from the original trust estate or part of the accumulations of the income therefrom; that a permanent trustee and receiver be appointed to receive the accumulations of the income hereafter accruing in the place and stead of Julia Afong; also that a temporary receiver be appointed to take charge of the accumulations, and also the accruing income, and for an injunction.

The respondents, Julia Afong, Maria K. Humphreys and A. S. Humphreys, demurred to the amended bill and the issues raised by such demurrers are the matters now under consideration.

The principal ground of demurrer is that the trust deeds do not create a trust in favor of plaintiffs. This question involves the construction of the deeds.

These are deeds of trust emanating from C. Afong, as settlor or grantor in favor of his wife, Julia Afong, and her children by him begotten.

During the absence of Chun Afong from the Hawaiian Islands the trustee named in the deeds "shall pay the income of the trust funds to said Julia Afong, if living, for the support of herself and her said children."

The general rule is that a provision to pay income to a wife for the support of herself and children creates a trust in the wife for the benefit of the children so long as the children do not become foris familiated, and that the surplus of such income, after providing suitable support, belongs to the wife without liability to account. The wife takes the income charged with the duty of maintaining and supporting the children. The provision cannot be construed as an absolute gift coupled with a mere declaration of the motive in making the gift; it creates an express executed trust in the wife for the support of the children.

Brown v. Paull, 1 Sim. N. S., 92.
Longmore v. Elcum, 2 Y. & C., 363.
Cole v. Littlefield, 35 Me., 439.
Carr v. Living, 26 Beav., 644.
Hadow v. Hadow, 9 Sim., 440.
Leach v. Leach, 13 Sim., 203.
Raikes v. Ward, 1 Hare, 445.
Chase v. Chase, 2 Allen, 101.
Bowden v. Loring, 14 Sim., 113.
Gilbert v. Bennett, 10 Sim., 371.
Jubber v. Jubber, 9 Sim., 593.
Loring v. Loring, 100 Mass., 340.

The intention of the parties as shown by the instrument must control when ascertained.

It cannot be supposed that the settlor or donor intended to provide for his wife alone so long as she lived. The consideration recited negatives any such intention. "Natural love and affection for his said wife and her said children by him begotten" must be taken as indicating the object and purpose of the transfer, and when considered with the provision that the income should be paid to the wife during his failure suitably to maintain, support and provide for her or any of her children by him begotten, shows that the donor intended and did make provision for the support of her children by him begotten as well as for his wife. When the nature of the instrument is considered it becomes apparent that this is a natural and proper disposition. It is a settlement for the support of his wife and those of his own blood. The presumed intention, if there were doubt upon this point, would be to make provision for his children, and a just and proper construction would give effect to that intention.

The children that are married and obtaining support from their respective husbands are not entitled to any part of the income during Julia Afong's life.

"When the income of property is given, as in this case, to the mother for the maintenance of herself and her children, what is intended is that she shall receive the whole of the income and shall maintain the children out of it so long as they form part of the family. But when they are foris familiated they lose the right to maintenance." In this case a married daughter provided for and living with her

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